

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 12-2-08. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 12/09/08 TIME: 9:30 DEPT: R15P

CASE #: GARRS800020

CASE NAME: ANTHONY RICHARDSON

HEARING:

Order to show cause re: verification of deposit

COUNSEL:

JENNIFER WRIGHT (PET)...MARIELLEN ROSS
ANTHONY RICHARDSON (MIN)...

GENERAL INFORMATION:

Continued from **4/15/08** at request of petitioner as letters had not received.

Continued from **6/17/08** at request of petitioner. Nothing new filed.

Continued from 9/16/08 as petitioner is still awaiting a receipt. Nothing new filed.

THIS CASE IS SET FOR HEARING ON OSC re proof of deposit into blocked account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Mother appointed guardian of the estate 3/11/08, no bond required. Court ordered proceeds from settlement placed in a blocked account in lieu of bond.
2. No proof of deposit into blocked account filed.

RECOMMENDATION:

When documents are not filed as ordered, court may set a hearing in accord with Pr.C. §2655.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 12/09/08 TIME: 9:30 DEPT: R15P

CASE #: GARRS800175

CASE NAME: ADRIANA M & SAVANA C HERRERA

HEARING:

Petition for APPOINTMENT OF GUARDIANSHIP FOR ADRIANA M & SAVANA
HERRERA

COUNSEL:

HENRY M HERRERA	(PET)...PRO/PER
DESIREE M HERRERA	(PET)...PRO/PER
ADRIANA M HERRERA	(MIN)...
SAVANA C HERRERA	(MIN)...

GENERAL INFORMATION

Temporary Letters issued 11/13/08

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by
paternal uncle and aunt, minors 7 and 6

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Informal consent signed by mother; however, still need notice.
2. UCCJEA is incomplete as to minors' residence prior to 2/21/08. Need completed form.
3. Need notice of hearing and proof of personal service on mother and father each. Petition indicates father may be in prison, but currently his whereabouts are unknown. Court may wish to suggest petitioners contact the State prison inmate locator from the Dept. of Justice 916-445-6713
4. Need notice of hearing and proof of mail service on sibling 12 or older, MGPs and PGPs each or file due diligence declaration(s)

RECOMMENDATION:

Need to clear notes.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 12/09/08 TIME: 9:30 DEPT: R15P

CASE #: RG RS02010

CASE NAME: MADELYN LYNN CAMARENA

HEARING:
Hearing Re: FIRST ACCOUNT CURRENT

COUNSEL:
GARY COYNE (PET)...E LAWRENCE BROCK
BECKY COYNE (PET)...E LAWRENCE BROCK
MADELYN LYNN CAMARENA (MIN)...
RICARDO CAMARENA (OBJ)...MITCHELL I ROTH

GENERAL INFORMATION

On 6/26/07 matter came on for petition for appointment of guardianship of the estate. Guardianship of the person granted. Court reserved jurisdiction on issues of estate powers. Court orders respondent to provide an accounting of the trust.

Letters of guardianship of the **person only** issued to Becky and Gary Coyne 7/17/07

Continued from **3/4/08** per stipulation of counsel. Nothing new filed.

Continued from **04/22/08** at request of Petitioner.

Continued from **6/10/08** at request of petitioner as new counsel just retained.

Continued from 8/12/08 at request of counsel as parties are attempting to settle through mediation. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st account current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Ricardo Camarena, is the trustee of the Arnold Camarena Trust which became irrevocable upon decedent's death 12/7/06.
2. Accounting period covers 12/29/05 – 12/31/07.
3. Receipts for Social Security continued for 8 months after decedent's death. Need verification of reimbursement to Social Security.
4. Disbursement of \$200 cash to Peggy's Mother and several payments totaling \$2,900 to Gary Coyne. Question the purpose of these disbursements. Need verified supplement.

5. As this is a trust accounting and there are no local rules requiring account statements to verify balances, does court wish to require account statements. JTD
6. Petitioner requests compensation of \$2,600.00 for services in managing the trust. Billing is based on a rate of \$50/hour for 80 hours. Not itemized. Petitioner does not set forth the basis upon which to determine the reasonableness of this requested compensation. JTD
7. Attorney requests fees of \$5,472.00 less the retainer fee of \$2,500 for a total of \$2,972.00 for services in connection with the guardianship. Itemized. Billing is based on a rate of \$320/hour for 17.1 hours. Court generally does not allow attorney fees in excess of \$250/hour. Does court wish to reduce fee by \$1,197.00 for a total fee of \$4275.00. JTD
8. The caption of the present accounting does not include reference to a petition for fees. The caption must set out a complete, correct, and concise summary of the prayer in order that proper notice may be given (Local Rule 20-601). Need an amendment to the petition and proper notice of hearing and proof of service.
9. Attorney requests reimbursement of \$758.00 for costs advanced. Itemized.
10. **Objection filed in the form of a response filed by guardians of the person, Gary and beck Coyne.**
11. **Substitution of attorney filed. Attorney Roth will now represent Petitioner Camarena.**

RECOMMENDATION:

Need to clear notes and proper service, then court's determination regarding fees.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/09/08 TIME: 9:30 DEPT: R16P

CASE #: GARRS700044

CASE NAME: ADEOLA MARYANNE ADEBIYI, ADEOLU DANIEL ADEBIYI

HEARING:

Hearing Re: Receipt of Proof of Bond

COUNSEL:

OLUBUKOLA TITILAYO ADEBANJO (PET)...ONWAEZE & NWABUZOR

ADEOLA MARYANNE ADEBIYI (MIN)...

ADEOLU DANIEL ADEBIYI (MIN)...

GENERAL INFORMATION:

On 12/11/07 re Review of Bond. Court orders \$250,000.00 from the life insurance that has been deposited in a CD to be in blocked account in lieu of Bond. Hearings were continued several times: from **3/4/08** No appearance; from **5/13/08** Court advises counsel that if proof of blocked account is not completed, petitioner will post bond and be ordered to return for accountings; from **8/5/08** Court orders petitioner to show proof of the bond on the estate case or proof of the blocked account; from 9/16/08 No appearance.

THIS CASE IS SET FOR HEARING ON

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Matter set at the time set for hearing on 10/28/08 re Proof of blocked account/CD. Court orders the petitioner to post \$300,000 bond prior to next hearing.
2. Also, on 10/28/08 Court orders new letters are to be issued without 2590 powers. However, it appears letters were issued on 9/23/08 indicating in section 2 that other powers have been granted, but that none of the following boxes are checked. As bond has not been posted, court may wish to vacate Letters issued 9/23/08 until bond is posted. JTD
3. No proof of posting of bond.

RECOMMENDATION

When documents are not filed as ordered, court may set a hearing in accord with Pr.C.§2655.

Once bond has been posted, Court will need to set hearings re inventory and appraisal **6/9/09** and an accounting review for **1/5/10**.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/09/08 TIME: 9:30 DEPT: R16P

CASE #: GARRS800056

CASE NAME: ALEXYS NYKOLE CRAWFORD

HEARING:
OSC re: Dismissal

COUNSEL:
PAULA LOVE (PET)...PRO/PER
ALEXYS NYKOLE CRAWFORD (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re dismissal of petition for appointment

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set on court's own motion when notes were not corrected and no one appeared at the time set for hearing on 10/14/08 re Petition for Guardianship, person only, by non-relative, minor 41/2 months:

The following are notes from 10/14/08:

GENERAL INFORMATION:

Temporary letters issued on 04/28/08. Referred to Court Investigator for report.
Continued from **6/10/08** for petitioner to file a copy of birth certificate.
Continued from **7/15/08** at request of DCS. No appearance. Clerk mailed notice.
Continued from 9/9/08 at request of DCS. Guardian states that the hospital certificate is all she has.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian, person only, by non-relative, minor 41/2 months.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Need DCS report as petitioner is a non-relative. DCS report filed for Court's review.
2. Mother personally served 4/29/08.

3. Petitioner alleges father and PGPs are unknown as no father is listed on the birth certificate. Copy of hospital certificate filed 6/24/08.
4. Court may wish to review confidential screening form.

RECOMMENDATION:

Court's discretion.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/09/08 TIME: 9:30 DEPT: R16P

CASE #: GARRS800174

CASE NAME: OSWALDO COBIAN

HEARING:
Hearing re: Petition for Appointment of Guardian

COUNSEL:
ANA V RODRIGUEZ (PET)...PRO/PER
OSWALDO COBIAN (MIN)...

GENERAL INFORMATION

Ex-parte orders denied 11/10/08: no appearance.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by maternal grandmother, minor 15

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges the parents are in agreement with the guardianship. However, no consents filed.
2. Need notice of hearing and proof of personal service on minor, mother and father each.
3. Need notice of hearing and proof of mail service on PGPs each or file due diligence declaration(s).

RECOMMENDATION:

Need notice.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/09/08 TIME: 9:30 DEPT: R16P

CASE #: GARRS800176

CASE NAME: OSCAR ORELLANA

HEARING:

Petition for APPOINTMENT OF GUARDIANSHIP FOR OSCAR
ORELLANA/PERSON ONLY

COUNSEL:

ROGELIO PIZARRO	(PET)...CURTIS R AIJALA
GLORIA PIZARRO	(PET)...CURTIS R AIJALA
OSCAR ORELLANA	(MIN)...

GENERAL INFORMATION

Temporary Letters issued 11/13/08

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by
maternal aunt & uncle, minor 13

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petition indicates mother is in agreement with the guardianship. However, no consent filed.
2. UCCJEA indicates there is a dismissed case re minor and an adoption.
3. Need notice of hearing and proof of personal service on minor, mother and father each
4. Need notice of hearing and proof of mail service on siblings 12 or older and PGPs or file due diligence declaration(s)

RECOMMENDATION:

Need notice.

CIVCAL4 Rancho District
GUARDIANSHIP CALENDAR
HONORABLE JUDGE DAVID A WILLIAMS

DATE: 12/09/08 TIME: 9:30 DEPT: R16P

CASE #: RG RS01518

CASE NAME: BRITTANY MENDEZ & BROOKE MENDEZ

HEARING:

Hearing Re: Final Accounting with Receipts as to Brittany only

COUNSEL:

DAVID P GONZALES (PET)...PRO/PER
MICHELLE Y GONZALES (PET)...PRO/PER
BRITTANY TAYLOR MENDEZ (MIN)...
BROOKE MEGAN LINDA MENDEZ (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review for a final account as to minor Brittany only

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set at the time set for hearing on 7/8/08 re Proof of deposit into blocked account. Minute order states "court finds the minor Brittany reached the age of majority on 12/06/07 and the court has lost jurisdiction as a matter of law." This statement is unclear. The Guardianship of the **person** is terminated by law, but the Court retains jurisdiction over the estate until the guardian is discharged. Court may wish to revisit the order of 7/8/08 for clarification.
2. No account filed. Need a final account and petition for termination of estate prior to distribution. The court does not favor the waiver by the ward of the guardian's final account where the ward has reached majority and normally will not approve a report when the account is waived unless the ward is present in Court at the time of hearing (Local Rule 20-1311(b)). Thus, guardian needs to present a final accounting or a report with a waiver of account and the minor must be present at the hearing re waiver of account.
3. On 7/8/08 Court ordered a withdrawal of all money from blocked account. As no final account has been filed, court may wish to revisit the order for withdrawal of 7/8/08.

RECOMMENDATION:

When an accounting or documents are not filed as required, the court shall take action as specified in Pr.C. §§ 2620.2 and 2655.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE JUDGE LINDA M WILDE

DATE: 12/09/08 TIME: 9:30 DEPT: R17P

CASE #: GARRS800007

CASE NAME: EVE ROSE TAKSH

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

MUFID TAKSH	(PET)...ZO TAYLOR-REES
MANAR TAKSH	(PET)...PRO/PER
EVE ROSE TAKSH	(MIN)...

GENERAL INFORMATION

Temporary Letters issued 1/24/08. Father present and informed he must file an objection prior to next hearing.

Continued from **02-19-08** and **3/11/08** for proof of service. Nothing new filed.

Continued from **4/8/08** AND **6/24/08** at request of counsel. Nothing new filed.

Continued from 8/26/08 and 9/30/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by maternal grandparents, minor 2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges mother is in agreement with the guardianship. However, no consent is filed.
2. Need notice of hearing and proof of personal service on mother and father each
3. Need notice of hearing and proof of mail service on paternal grandfather or file due diligence declaration(s).
4. Need proposed guardian, Mufid Taksh's, signature on page 1 of the Guardianship Questionnaire. Need signed form. Alternatively, if Mufid Taksh appears in court, Court may wish to allow Mufid Taksh interlineate the signature in court. JTD

RECOMMENDATION:

Need to clear notes.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE JUDGE LINDA M WILDE

DATE: 12/09/08 TIME: 9:30 DEPT: R17P

CASE #: RG RS01968

CASE NAME: JENNIFER LEIGH MELLARD

HEARING:
OSC re: Contempt

COUNSEL:
JEFFREY S MELLARD (PET)...MARIELLEN ROSS
JENNIFER LEIGH MELLARD (MIN)...

GENERAL INFORMATION:
Continued from 5/13/08. Nothing new filed.
Continued from 8/12/08 at request of petitioner.

THIS CASE IS SET FOR HEARING ON OSC re: Contempt

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

- 1 Guardian appointed 2/9/07, no bond. Court reserved bond requirement to be determined. Guardianship was sought in anticipation of receiving assets from mother's probate estate (PROPS0600168).
- 2 The instant matter was set on 04-15-08 re: Accounting Review as guardian failed to show status of probate case.
- 3 See probate notes 04-15-08.
- 4 **Declaration re status of probate matter in Redlands filed indicating no assets have been located.**

RECOMMENDATION
Court's discretion.